

Docket No.: 63288-577



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
SHAH, NIREN, et al. : Confirmation Number: 9273
Application No.: 10/631,042 : Group Art Unit: 2876
Filed: July 29, 2003 : Allowed: January 28, 2005
Examiner: Thien Minh Le

For: DATA COLLECTION AND MAINTENANCE DATABASE METHOD AND APPARATUS

**COMMENTS RESPONSIVE TO STATEMENT OF
REASONS FOR ALLOWANCE
UNDER 37 C.F.R. § 104(e)**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The January 28, 2005 Notice of Allowability regarding the above-identified application included a Statement of Reasons for Allowance. Entry of that Statement into the record should not be construed as any agreement with or acquiescence by Applicants in the stated reasoning.

The Statement sets forth a rationale for patentability with respect to claim 1. The stated reasoning lists a series of steps, which seem to roughly follow the order of the claim, but the wording in the Statement does not precisely correspond to the claim language. For example, the statement refers to "user's requests" (plural), whereas claim 1 is broader on the point in that the claim recites "at least one request from one user" (see e.g. paragraph (d)). The language of the allowed claims is already of record in the case and is adequately clear. It is submitted that it is the actual language of the claims that define patentable scope.

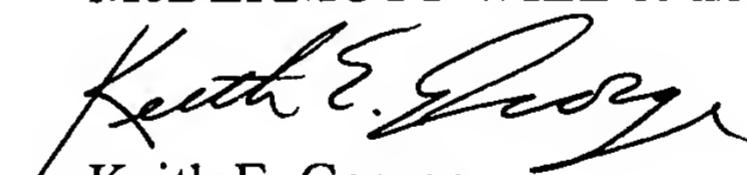
The Statement separately concludes that the prior art does not disclose "the limitations of claims 9 and 13," that is to say the other two independent claims. However, there is no reasoning given in support of this conclusion. As such, the Statement adds nothing to the record as might be used to construe these claims or create any estoppel with regard thereto.

It should be noted that the claims have been allowed in the first action on the merits, without any rejection or amendment in this case. Under these circumstances, it is respectfully submitted that all of the allowed claims should be entitled to the broadest reasonable interpretation and to the broadest range of equivalents that are appropriate in light of the language of the claims and the supporting disclosure, without reference to the Statement of Reasons for Allowance.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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**Please recognize our Customer No. 20277
as our correspondence address.**